

EXHIBIT R

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

COW2019500960

August 20, 2019

Richard Caldarone
Tahirih Justice Center
6402 Arlington Blvd., Ste. 300
Falls Church, VA 22042

Dear Richard Caldarone:

We received your request for information relating to CBP Officers conducting credible and/or reasonable fear interviews. You specifically requested the following:

On July 5, 2019 you requested:

Requester seeks any and all records that were prepared, received, transmitted, collected and/or maintained by CBP, USCIS, and/or DHS that describe, refer or relate to (1) CBP officers conducting or potentially conducting credible or reasonable fear interviews, (2) any training or proposed training related to CBP officers conducting or potentially conducting credible or reasonable fear interviews, and/or (3) the proposed or actual implementation of (1) or (2) ((1), (2) and (3), collectively, the "Program").

The requested records include, but are not limited to those describing; referring, or relating to:

- a) Any regulations, protocols, memoranda, recommendations, policy directives, policy guidelines; or procedures related to the Program.
- b) Any documents or communications related to the creation, authorization, funding, budgeting, preparation, supervision, and/or implementation of the Program.
- c) Any documents or communications referencing any actual, proposed, or potential goal, target, objective, guideline, procedure, and/or policy of the Program.
- d) Any training materials developed, used, or intended to be used in the Program.
- e) Any evaluation, testing, or screening materials or protocols developed, used, or intended to be used for the Program as part of determining whether or which officers may conduct credible or reasonable fear interviews.
- f) Any memoranda, recommendations, guidelines, procedures, policies, or directives related to the supervision of the Program and/or of officers involved in the Program.
- g) Any documents or communications referring to actual or potential administrative, practical, legal, or ethical challenges, concerns, or obstacles the Program may face.

August 2, 2019, you expanded request to include:

Requester seeks any and all records that were prepared, received, transmitted, collected and/or maintained by CBP, USCIS, and/or DHS relating to the use of CBP officers to conduct credible and/or reasonable fear interviews not covered by its earlier request dated July 5, 2019. This includes, but is not limited to, the following:

- 1) Any records related to the expansion of the pilot program under which CBP officers have conducted credible and/or reasonable fear interviews;

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- 2) Any records concerning the date under which the pilot program will be expanded;
- 3) Any written policy directives, written policy guidelines, or written procedures concerning the expansion of the pilot program;
- 4) Any records referring to the location(s) in which CBP officers have conducted, are conducting, or will conduct, credible and/or reasonable fear interviews;
- 5) Any records concerning whether CBP officers have conducted, are conducting, or will conduct, credible and/or reasonable fear interviews in person, by telephone, by video teleconference, or by other means;
- 6) Any records concerning whether CBP officers have conducted, are conducting, or will conduct, credible and/or reasonable fear interviews while wearing CBP uniforms;
- 7) Any records concerning whether CBP officers have conducted, are conducting, or will conduct, credible and/or reasonable fear interviews while carrying firearms or other weapons;
- 8) Any records concerning the number of CBP officers who were trained, are being trained, or will be trained, to conduct credible and/or reasonable fear interviews;
- 9) Any records concerning the positions and job descriptions of the CBP officers who were trained, are being trained, or will be trained to conduct credible and/or reasonable fear interviews;
- 10) Any records concerning the numbers of, or percentage of, credible fear interviews in which CBP officers in the pilot program found a credible fear of return versus finding no credible fear of return, including, but not limited to, any records concerning any comparison of those numbers or percentages as between USCIS Asylum Officers and CBP Officers acting as asylum officers; and
- 11) Any memoranda or other records dated on or after July 5, 2019, concerning the pilot program under which CBP officers have conducted credible and/or reasonable fear interviews.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. § 552). It has been assigned the following control number: COW2019500960. Please cite this number in all future correspondence about your request.

We respond to requests on a first-in, first-out basis and on a multi-track system. Your request has been placed in the complex track (Track 2).

Your request for a fee waiver has been granted.

Consistent with 6 C.F.R. § 5.5(a) of the Department of Homeland Security (DHS) FOIA regulations, USCIS processes FOIA requests according to their order of receipt. Although USCIS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances. Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Additionally, due to the scope and nature of your request, USCIS will need to locate, compile, and review responsive records from multiple offices, both at headquarters and in the field. USCIS may also need to consult with another agency or other component of the Department of Homeland Security that have a substantial interest in the responsive information. Due to these unusual circumstances, USCIS will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). Please contact our office if you would like to limit the scope of your request or to agree on a different timetable for the processing of your request. We will make every effort to comply with your request in a timely manner.

This office now offers an online delivery option. If you would like to receive the requested records online,

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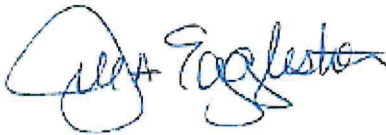
you will need to register this request at first.uscis.gov. If you do not already have a MyUSCIS account you will be prompted to create one. Once logged on, click the "Register Request" link where you will be asked to enter your control number COW2019500960 and the following six digit PIN: 184246. If you do not wish to take advantage of this option, we will be providing your records on a Compact Disc (CD) for use on your personal computer. To request your responsive records on paper, please include your control number and write to the above address Attention: FOIA/PA Officer, or fax them to (802) 860-6908.

The National Records Center (NRC) has the responsibility to ensure that personally identifiable information (PII) pertaining to U.S. Citizenship and Immigration Services (USCIS) clients is protected. In our efforts to safeguard this information, we may request that additional information be provided to facilitate and correctly identify records responsive to your request. Though submission of this information is voluntary, without this information, your request may be delayed while additional steps are taken to ensure the correct responsive records are located and processed. Further, if we are unable to positively identify the subject of the record we may be unable to provide records responsive to your FOIA request.

You may check the status of your FOIA request online at www.uscis.gov/FOIA. Click the "Check Status of Request" button in the middle of the web page or "FOIA Request Status Check & Average Processing Times" on the left side under "Freedom of Information and Privacy Act (FOIA)." Then click "FOIA Check Status of Request" at the bottom of the page and follow the instructions given. If you have any questions concerning your pending FOIA/PA request, or to check the status of a pending application or petition, please call The National Customer Service Center at (800) 375-5283. Please be aware that the National Records Center no longer accepts FOIA/PA related questions directly by phone.

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Please include the Control Number listed above on all correspondence with this office. Requests may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, emailed to USCIS.FOIA@uscis.dhs.gov, or sent by fax to (802) 860-6908. You may also submit FOIA/PA related questions to our email address at FOIAPAQuestions@uscis.dhs.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jill A. Eggleston". The signature is fluid and cursive, with the first name "Jill" and last name "Eggleston" clearly distinguishable.

Jill A. Eggleston
Director, FOIA Operations